PUBLIC PROSECUTOR

v.

CHEW SOON TEIK

HIGH COURT, SINGAPORE
P COOMARASWAMY J
[CRIMINAL CASE NO. 20 OF 1985]
30 JULY 1987

CRIMINAL LAW AND PROCEDURE: *Original charge of murder - Charge amended to culpable homicide under s. 304 of Penal Code - Plea of guilty - Mitigation - Sentence.*

The accused was originally charged with the murder of one Lye Pak Ming. He pleaded guilty to the amended charge of culpable homicide under s. 304 of the Penal Code. He also faced a second charge under s. 324 of the Penal Code of voluntarily causing hurt to one Ngoh Kin Seng by means of a revolver. This charge was taken into consideration in determining the sentence. This did not weigh heavily on the learned Judge's mind as both offences were incidents in one overall transaction.

Held:

[1] The psychiatric report on the accused described him as mentally sound to stand trial, but it also described him as an emotionally unstable man and introverted.

[2] What played a major role in determining the sentence was that the accused who sought an interview with Lye to express his dissatisfaction over his low increment was instead, and to him, out of the blue, told that he was to be dismissed if he did not voluntarily resign. The Court took the view that the accused firing his revolver was an immediate and instinctive reaction of an emotionally unstable man being told this by Lye.

[3] After taking into account the accused's family background and his good conduct, and his remorse over what happened, the Court sentenced him to six years' imprisonment running from the date of arrest.

[Accused sentenced to 6 years' imprisonment.]

Legislation referred to:
Penal Code [Sing], s. 304

For the public prosecutor - Roy. G. Neighbour
For the accused - Sant Singh

JUDGMENT

P Coomaraswamy J:

The accused, Chew Soon Teik, was originally charged with the murder of one Lye Pak Ming. He pleaded guilty to the amended charge of culpable homicide under s. 304 of the Penal Code, Chapter 224. The offence took place on 19 July 1984. He also faced a second charge under s. 324 of the Penal Code, Chapter 224, of voluntarily causing hurt to one Ngoh Kin Seng by means of a revolver. This charge was taken into consideration in determining the sentence. This did not weigh heavily on my mind as both offences were incidents in one overall transaction.

The accused was employed by Chartered Industries of Singapore Pte. Ltd. (CIS) on security duties. He was a station inspector. The deceased, Lye, was the chief security officer at CIS. Ngoh was at the relevant time a security officer.

In 1983/84, the accused had problems with his subordinates and these problems were the subject of complaints by them to his superiors. As a result, Victor Chang, director of finance and administration of CIS, had authorised for the accused an increment lower than that given to the others.

On the day of the offence (19 July 1984), the accused arrived at CIS to see Lye on his low increment pursuant to instructions at a briefing. Lye, unknown to the accused, had earlier that morning been asked by Victor Chang to dismiss the accused or request him to resign. Whilst waiting for Lye to be free to see him, the accused sat at Ngoh's table. The main topic of their conversation was the question of annual increments. The accused told Ngoh that he had received a lower annual increment than that received by his counterparts.

He was on duty and armed with a revolver. On a visit to the men's toilet, the accused was noticed standing at the urinal with his revolver "broken" and loaded. Upon Lye being ready to see him, the accused was summoned to Lye's office and Ngoh was present. The accused asked Lye why his increment was low the previous year and why in the year before he had not received an increment at all. The accused raised the question because action on the increment was taken without his having received a warning letter or given an adverse report. He was told that the low annual increment was because he had got into trouble in 1983 and 1984, this obviously being a reference to the complaints about him from his subordinates. Lye went further and told the accused that CIS intended to terminate his services. To enhance his prospects of obtaining alternative employment, however, he was given the opportunity to resign. According to the DPP, "the accused who had no prior knowledge of his dismissal refused to resign and insisted that the company terminate his services."

According to Ngoh, the accused was calm and did not raise his voice. Apparently Ngoh was not looking in the direction of the accused or Lye but he heard the sound of gunshots. He turned and saw the accused standing several paces away from Lye's table with his revolver in his hand pointing in the direction of the deceased. Ngoh rushed at the accused with a view to disarming him but the accused fired his revolver at Ngoh. Ngoh took cover but Lye got up from his seat and rushed towards the door. The accused fired again at Ngoh, adding an injury to his right thigh to the previous injury above Ngoh's left ear. The accused then turned round and fired at the deceased who nevertheless managed to get to and open the office door, collapsing soon after. The accused then walked out of Lye's office flinging his revolver to the ground and surrendering himself. Lye died shortly after.

The facts as outlined by the DPP were acknowledged by the accused.

Mr. Sant Singh, Counsel for the accused, in his plea of mitigation gave a background of the accused. Born in Penang in 1937, he was almost 47 years old at the time of the offence and almost 50 when he appeared before me. The eldest of three sons, he came from a broken and unhappy family background with his parents separating during the Japanese occupation. Since then, except for seeing his father once he had no contact with either parent or his brothers.

Brought up by a mentally-ill aunt, he left school after form 4 and moved to Singapore in 1956. Whilst doing odd jobs, he studied English, typing and book-keeping.

When he was 22, he joined the then Malayan army in 1959 and his knowledge of commercial subjects led him to being posted to clerical duties. He rose to the rank of a staff sergeant in 1976 and had served in various areas, including Congo under the United Nations flag. He retired from the Malaysian army in 1980 and received six medals, including the long service and good conduct medal.

During a posting in Singapore, he married his wife who is two years younger than him. Their children are:

(a) a son of 21, now a student at the National university of Singapore;
(b) a son aged 20, a trainee pastry chef with a local hotel; and
(c) a daughter aged 11, a school-girl.

After working as a part-time car salesman in Johor Baru, the accused joined CIS as a station inspector in 1982. He had problems both with the subordinates and his superiors, the details of which need not trouble me.

The psychiatric report on the accused described him as mentally sound to stand trial. It also described him as an emotionally unstable man and introverted.

What played a major role in determining the sentence was that the accused who sought an interview with Lye to express his dissatisfaction over his low increment was instead, and to him, out of the blue, told that he was to be dismissed if he did not voluntarily resign. I took the view that the accused firing his revolver was an immediate and instinctive reaction of an emotionally unstable man being told this by Lye. Though a disturbed by his examining his revolver whilst in the toilet, this factor did not weigh heavily in my mind. I looked upon his actions as an instinctive reaction of an emotionally unstable man on his unexpectedly receiving very bad news reflecting on him personally when his object was to raise a grievance on a comparatively lesser matter.

I took into account his family background, his being a practising Roman Catholic and a regular attender at Sunday church services.

Also weighing in my mind was the way the accused overcame his early difficulties in his lack of a good home and the lack of formal education beyond form 4. Notwithstanding this background, he served well in the Malayan and later Malaysian army, receiving a medal for good conduct and long service. Again, notwithstanding his own background, he has brought his children up well with one son at the university and another a trainee pastry chef. He surrendered himself after the offence and his remorse over what happened led him to plead guilty to the amended charge.

With all these factors in mind, I thought a sentence of six years running from the date of arrest was the appropriate one and that is the sentence that I passed.

Also found at [1987] 2 CLJ 282